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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,900	09/22/2000	Adam I. Pinard	10001-009001	1242

7590 10/15/2007
Kristofer E Elbing
187 Pelham Island Road
Wayland, MA 01778

EXAMINER

THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/667,900

Applicant(s)

PINARD ET AL.

Examiner

James A. Thompson

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-25 and 42.
Claim(s) objected to: _____.
Claim(s) rejected: 26-34 and 36-41.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: Notice of References Cited (PTO-892).

James A. Thompson
Examiner
Technology Division 2625

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments, see page 13, line 5 to page 15, line 11, filed 24 September 2007, with respect to the rejections of the claims under 35 USC § 103(a) have been fully considered and are persuasive. The rejections of claims 1-25 and 42 under 35 USC § 103(a) have been withdrawn. Examiner considers the key to Applicant's arguments to be the contention that Usami (USPN 5,781,709) does not teach using a first and second halftoning technique on input digital image data. If Usami does teach using a first and second halftoning technique on input digital image data, then the combination as set forth is proper. The modification that would be required for the system set forth in Bowers (USPN 5,296,947) would merely be to use the proofing printer taught by Usami, which would perform a second halftone process on data that has already gone through a first halftone process. However, upon further consideration of Usami, and in light of Applicant's present arguments, Examiner does not see Usami as teaching the application of a first halftoning technique and then a second halftoning technique for the proofer shown in figure 1 of Usami. The actual first halftoning technique occurs at S5, after the image data is further directed to the proofer for its halftoning technique. Thus, the first and second halftoning techniques taught by Usami are actually separate and not consecutive. Since Usami does not fully teach that which Bowers lacks, the present claims distinguish over the cited prior art references. Further, Examiner has not discovered additional prior art which would anticipate the claims and/or render the claims obvious to one of ordinary skill in the art at the time of the invention.

Independent claims 1, 17 and 18 specifically teach a "second halftoning technique" which is performed on print data which has already undergone a first halftoning technique. Claims 2-16 and 42 depend from claim 1, and thus incorporate the limitations specifically recited in claim 1. Independent claims 19, 24 and 25 recited a target halftoning technique which renders print data on a target halftone printing press, said print data having already undergone a first halftoning technique, and thus also teach a second halftoning technique applied to print data which has already undergone a first halftoning technique. Claims 20-23 depend from claim 19 and thus incorporate the limitations specifically recited in claim 19. While independent claims 32, 33, 34, 40 and 41 do recite that there is a target halftoning technique used by a target halftone printing press, claims 32, 33, 34, 40 and 41 do not recite that the target halftone printing press actually performs any halftoning process. As recited, the target halftoning technique and target halftone printing press merely exist. Thus, claims 32-34 and 36-41 are not overcome by Applicant's arguments.

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2. Applicant's arguments, see page 15, lines 12-32, filed 24 September 2007 have been fully considered but they are not persuasive. Bowers teaches that the step of altering alters the areas to include a same color that is different from the color of the dots (figure 3 and column 5, line 63 to column 6, line 20 of Bowers). Bowers corrects (and thus alters) color overlap to form the proper color by modifying the areas of different colors so as to generate the proper color at each point. Thus, areas are altered to include a same color that is different from the color of the dots (displayed by the display).

3. Applicant's arguments, see page 15, line 33 to page 16, line 9, filed 24 September 2007 have been fully considered but they are not persuasive. While Vinck (USPN 5,953,988) teaches halftone screening particularly in the environment of silk mesh screening, the concepts relating to halftoning can be readily applied to halftoning in general, and do not specifically require weaved silk or metal screens.

4. Applicant's arguments, see page 16, line 10 to page 17, line 9, filed 24 September 2007 have been fully considered. Since claims 5-7 have been deemed allowable due to page 13, line 5 to page 15, line 11 of Applicant's arguments, page 16, line 10 to page 17, line 9 of Applicant's arguments are rendered moot.

5. Applicant's arguments, see page 17, line 10 to end of page 20, filed 24 September 2007 have been fully considered. As discussed above, claims 1-25 and 42 recite that a second halftoning technique (or target halftoning technique) is performed on print data that has already been processed by a first halftoning technique. Thus, claims 1-25 and 42 have been deemed allowable. Claims 26-34 and 36-41 merely recite that such a second halftoning technique is possible, but does not actually recite that a second halftoning technique is performed. Thus, the final rejections of claims 26-34 and 36-41 are maintained.

Allowable Subject Matter

6. Claims 1-25 and 42 are allowed.

Independent claims 1, 17 and 18 specifically teach a "second halftoning technique" which is performed on print data which has already undergone a first halftoning technique. Claims 2-16 and 42 depend from claim 1, and thus incorporate the limitations specifically recited in claim 1. Independent claims 19, 24 and 25 recited a target halftoning technique which renders print data on a target halftone printing press, said print data having already undergone a first halftoning technique, and thus also teach a second halftoning technique applied to print data which has already undergone a first halftoning

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technique. Claims 20-23 depend from claim 19 and thus incorporate the limitations specifically recited in claim 19. Examiner had not found in the prior art any reference which teaches performing a second halftoning technique on print data which has already undergone a first halftoning technique. The closest art that Examiner has found is US Patent 7,262,879 B2 to Chang, along with its corresponding Pre-Grant Publication 2002/0171873 A1, which teaches second generation halftoning. If combined with Bowers, the combination of Bowers in view of Chang could conceivably read on present independent claims 1, 17, 18, 19, 24 and 25. However, Chang does not qualify as prior art since its filing date is after the filing date of the present application. Examiner has found no other references, especially no *prior art* references, that would anticipate or render obvious independent claims 1, 17, 18, 19, 24 and 25.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson
Examiner
Technology Division 2625

/JAT/
28 September 2007



THOMAS D.
LEE
PRIMARY EXAMINER